

FILED

APR 19 2013

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY Wh DEPUTY

KELLY J. PALMER,

Plaintiff,

vs.

No. CIV-12-893-W

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,¹

Defendant.

ORDER

On March 29, 2013, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this matter and recommended that the decision of Carolyn W. Colvin, Acting Commissioner of the Social Security Administration ("Commissioner"), denying the Application for Disability Insurance Benefits filed by plaintiff Kelly J. Palmer be reversed. Magistrate Judge Roberts further recommended that this matter be remanded to the Commissioner for additional administrative proceedings. The parties were advised of their right to object to Magistrate Judge Roberts' Report and Recommendation, but neither party has objected within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Roberts' findings that the Administrative Law Judge's failure to discuss and/or analyze Palmer's evidence pertaining to "foraminal narrowing" requires reversal and remand.

¹Effective February 14, 2013, Carolyn W. Colvin became Acting Commissioner of Social Security. Pursuant to Rule 25(d)(1), F.R.Civ.P., Colvin is hereby SUBSTITUTED for Michael J. Astrue as defendant in this action.

Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 18] issued on March 29, 2013;

(2) REVERSES the Commissioner's decision denying Palmer's Application for Disability Insurance Benefits;

(3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further administrative proceedings in accordance with this Order and consistent with Magistrate Judge Roberts' Report and Recommendation; and

(4) ORDERS that judgment pursuant to this Order issue forthwith.

ENTERED this 19th day of April, 2013.



LEE R. WEST
UNITED STATES DISTRICT JUDGE